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Dated: May 15, 2007

Signature:

Rosemarie Puljic-Salmeron
(Rosemarie Puljic-Salmeron)

Patent

Docket No. 608352000100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of:
Tania KASTELIC et al.

Serial No.: 10/814,634

Filing Date: April 1, 2004

For: ASSAY FOR IDENTIFYING
COMPOUNDS WHICH AFFECT
STABILITY OF MRNA

Examiner: C. Qian

Group Art Unit: 1636

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. U.S. Patent/Patent Applications (documents numbered 1, 2 and 8) are not submitted herewith. Copies of foreign documents and non-patent literature (documents numbered 12, 14, 15, 19, 26, 30-35, 38, 46, 47, 49, 55 and 59) are submitted herewith. However, copies of the remaining documents cited in the attached Form PTO/SB/08a/b were previously submitted in an Information Disclosure Statement and/or Office Action, directed to the related application Serial Number 09/869,159, filed August 15, 2001, and, accordingly, copies are not included herewith. This protocol conforms with 37 C.F.R. § 1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

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This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☒ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of __ is enclosed.
 - ☒ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of __ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist;

(iii) the information, protocols, results and the like reported by third parties are accurate or enabling;
or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 608352000100.

Dated: May 15, 2007

Respectfully submitted,

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ALTERNATIVE TO PTO/SB/08a/b (07-05)

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/814,634
				Filing Date	April 1, 2004
				First Named Inventor	Tania KASTELIC
				Art Unit	1636
				Examiner Name	C. Qian
Sheet	1	of	4	Attorney Docket Number	608352000100

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1.	US-2004/0214223-A1	10-28-2004	Cao et al.	
	2.	US-2005/0048549-A1	03-03-2005	Cao et al.	
	3.	US-5,444,149-A	08-22-1995	Keene et al.	
	4.	US-5,587,300-A	12-24-1996	Malter	
	5.	US-5,698,427-A	12-16-1997	Keene et al.	
	6.	US-5,731,343-A	03-24-1998	Feng et al.	
	7.	US-6,635,671-B1	10-21-2003	Kastelic et al.	
	8.	US-7,078,171-B2	07-18-2006	Giordano et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	9.	GB-9828707.1	02-17-1999	Novation Pharmaceuticals, Inc.		
	10.	GB-9828710.5	02-17-1999	Novation Pharmaceuticals, Inc.		
	11.	WO-93/20212-A1	10-14-1993	The Government of the United States of America as represented by The Secretary, Department of Health and Human Services		
	12.	WO-95/33831-A1	12-14-1995	Creative Biomolecules, Inc.		
	13.	WO-98/39484-A1	09-11-1998	Scriptgen Pharmaceuticals, Inc.		
	14.	WO-00/39314-A1	07-06-2000	Novation Pharmaceuticals, Inc.		
	15.	WO-2004/065561-A2	08-05-2004	PTC Therapeutics, Inc.		

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T ²
	16.	Akashi, M. et al. (1994). "Number and Location of AUUUA Motifs: Role in Regulating Transiently Expressed RNAs," <i>Blood</i> 83:3182-3187.		
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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
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				Filing Date	April 1, 2004
				First Named Inventor	Tania KASTELIC
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Examiner Signature		Date Considered	
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Sheet	4	of	4	Attorney Docket Number	608352000100

	63.	Zhang, S. et al. (1995). "Identification and Characterization of a Sequence Motif Involved in Nonsense-Mediated mRNA Decay," <i>Mol. Cell. Biol.</i> 15:2231-2244.	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

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